IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

R.S.A. No. 3140 of 2007 (O&M)
Date of Decision : 25.9.2007

Dakshin Haryana Bijli Vitran Nigam Vidyut Nagar, Hisar & Ors.

.....Appellants

Versus

Om Parkash.

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Jasbir Mor, Advocate
for the appellants.

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VINOD K. SHARMA, J. (ORAL)

C.M. No. 8828-C of 2007

This is an application under Section 5 of the Limitation Act for condonation of delay of 44 days in filing the regular second appeal arising out of the judgment and decree passed by the learned Courts below decreeing the suit for declaration and injunction filed by the plaintiff respondent.

The plaintiff respondent had sought restraint order against the appellant defendants from recovering the amount said to be due from the father of the plaintiff respondent. Though an independent meter was installed in his own name, there were no dues for the said meter. Both the learned Courts below recorded a concurrent finding of fact that the action of the appellant defendants was not justified and, therefore, the plaintiff respondent was entitled to injunction.

The application for condonation of delay has been moved on the ground that after the receipt of certified copy of the impugned order, case was processed for filing the appeal in the High Court and the case file was sent to the Legal Remembrancer for his approval and in this process lot of time was consumed for taking final decision for filing the appeal. However, no particulars of the time spent in this process have been disclosed to justify the delay and, therefore, the averments made do not constitute a sufficient cause for condonation of delay of 44 days in filing the appeal.

Consequently, the application for condonation of delay is dismissed.

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The appeal is dismissed being time barred.

25.9.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**